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Filing date: **03/31/2006**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

|                        |  |
|------------------------|--|
| Proceeding             | 91166568   |
| Party                  | Plaintiff<br>DSM IP Assets B.V. and DSM Dyneema B.V.<br><br>DSM IP Assets BV<br>P.O. Box 9<br>Geleen, 6160 MA<br>NETHERLANDS               |
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| Submission             | Motion to Extend   |
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| Signature              | /rma/  |
| Date                   | 03/31/2006   |
| Attachments            | 05097543.Motion.pdf ( 4 pages )  |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

DSM IP Assets B.V. and  
DSM Dyneema B.V.

Opposers,

v.

Charles Y. Cao,

Applicant.

Opposition No. 91166568

Serial No. 78273162

**MOTION FOR EXTENSION OF TIME TO CLOSE DISCOVERY**

Opposers, DSM IP Assets B.V. and DSM Dyneema B.V. (“Opposers”), hereby move the Trademark Trial and Appeal Board pursuant to Rule 37 C.F.R. 2.120(a) for an extension of ninety (90) days of the period in which discovery is to be completed. This is the first request for an extension of time in which to complete discovery. Discovery is currently scheduled to close April 2, 2006. The current motion would extend the time period to complete discovery through July 1, 2006. The subsequent deadlines for the opening and closing of testimony should be extended through and including the following dates:

|                              | <b><u>Extended Deadline</u></b> |
|------------------------------|---------------------------------|
| Plaintiff Testimony to Close | September 29, 2006              |
| Defendant Testimony to Close | November 28, 2006               |
| Rebuttal Testimony to Close  | January 13, 2007                |

In support of their Motion, Opposers state as follows:

1. Opposers’ Notice of Opposition was filed on September 9, 2005.
2. Applicant’s answer was due on October 24, 2005.

3. It appeared that Applicant failed to answer or file a motion to extend its time to answer by October 24, 2005. As a result, on January 3, 2006, the Trademark Trial and Appeal Board entered a notice of default against Applicant under Fed. R. Civ. P. 55(a).

4. In a response filed on January 13, 2006, Applicant claimed that it did in fact file a timely answer, and provided a copy of its answer and documentation demonstrating that the U.S. Patent and Trademark Office did receive Applicant's answer on October 24, 2005. Applicant did not serve Opposers on that response.

5. In view of Applicant's response, the Trademark Trial and Appeal Board set aside the notice of default and accepted Applicant's answer by order dated February 3, 2006

6. Opposers have not delayed in commencing discovery, and served document requests and interrogatories on Applicant on March 3, 2006.

7. In light of the over four-month delay caused by the erroneous notice of default, Opposers require additional time to review Applicant's discovery responses (when such responses are received) and conduct appropriate follow-up discovery.

8. Opposers therefore respectfully request that the Trademark Trial and Appeal Board grant them an extension of time of ninety (90) days of the period in which discovery is to be completed and a corresponding extension of ninety (90) days of the subsequent deadlines for the closing of testimony.

Dated: March 31, 2006

Respectfully submitted,

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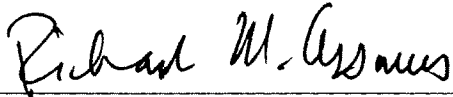
Attorney for Opposers

DSM IP Assets B.V. and DSM Dyneema B.V.

### **CERTIFICATE OF SERVICE**

I hereby certify that on March 31, 2006, I forwarded a copy of the foregoing **MOTION FOR EXTENSION OF TIME TO CLOSE DISCOVERY** by overnight delivery, postage prepaid, to:

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Richard M. Assmus